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(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R. _____

To establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. BONO introduced the following bill; which was referred to the Committee
on _____

A BILL

To establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Managing Arson
5 Through Criminal History (MATCH) Act of 2007”.

1 **SEC. 2. ARSONIST REGISTRATION AND NOTIFICATION PRO-**
2 **GRAM.**

3 (a) REGISTRY REQUIREMENTS FOR JURISDIC-
4 TIONS.—

5 (1) JURISDICTION TO MAINTAIN A REGISTRY.—

6 Each jurisdiction shall establish and maintain a ju-
7 risdiction-wide arsonist registry conforming to the
8 requirements of this section.

9 (2) GUIDELINES AND REGULATIONS.—The At-
10 torney General shall issue guidelines and regulations
11 to interpret and implement this section.

12 (b) REGISTRY REQUIREMENTS FOR CRIMINAL
13 ARSONISTS.—

14 (1) IN GENERAL.—A criminal arsonist shall
15 register, and shall keep the registration current, in
16 each jurisdiction where the arsonist resides, where
17 the arsonist is an employee, and where the arsonist
18 is a student. For initial registration purposes only,
19 a criminal arsonist shall also register in the jurisdic-
20 tion in which convicted if such jurisdiction is dif-
21 ferent from the jurisdiction of residence.

22 (2) INITIAL REGISTRATION.—The criminal ar-
23 sonist shall initially register—

24 (A) before completing a sentence of impris-
25 onment with respect to the offense giving rise
26 to the registration requirement; or

1 (B) not later than three business days
2 after being sentenced for that offense, if the
3 criminal arsonist is not sentenced to a term of
4 imprisonment.

5 (3) KEEPING THE REGISTRATION CURRENT.—A
6 criminal arsonist shall, not later than three business
7 days after each change of name, residence, employ-
8 ment, or student status, appear in person in at least
9 one jurisdiction involved pursuant to paragraph (1)
10 and inform that jurisdiction of all changes in the in-
11 formation required for that arsonist in the arsonist
12 registry involved. That jurisdiction shall immediately
13 provide the revised information to all other jurisdic-
14 tions in which the arsonist is required to register.

15 (4) INITIAL REGISTRATION OF CRIMINAL
16 ARSONISTS UNABLE TO COMPLY WITH PARAGRAPH
17 (2).—The Attorney General shall have the authority
18 to specify the applicability of the requirements of
19 this section to criminal arsonists convicted before the
20 date of the enactment of this Act or its implementa-
21 tion in a particular jurisdiction, and to prescribe
22 rules for the registration of any such criminal
23 arsonists and other categories of criminal arsonists
24 who are unable to comply with paragraph (2).

1 (5) STATE PENALTY FOR FAILURE TO COM-
2 PLY.—Each jurisdiction, other than a Federally rec-
3 ognized Indian tribe, shall provide a criminal penalty
4 that includes a maximum term of imprisonment that
5 is greater than one year for the failure of a criminal
6 arsonist to comply with the requirements of this sec-
7 tion.

8 (6) LIMITED AUTHORITY TO EXEMPT CERTAIN
9 CRIMINAL ARSONISTS FROM REGISTRY REQUIRE-
10 MENTS.—A jurisdiction shall have the authority to
11 exempt a criminal arsonist who has been convicted
12 of the offense of arson in violation of the laws of the
13 jurisdiction in which the offense was committed or
14 the United States for the first time from the reg-
15 istration requirements under this section in ex-
16 change for such arsonist's substantial assistance in
17 the investigation or prosecution of another person
18 who has committed an offense. The jurisdiction shall
19 revoke any such exemption and order the arsonist to
20 comply with the registration requirements of this
21 section immediately upon cessation of active co-
22 operation with the jurisdiction relating to such inves-
23 tigation or prosecution. The Attorney General shall
24 assure that any regulations promulgated under this
25 section include guidelines that reflect the general ap-

1 appropriateness of exempting such an arsonist from
2 the registration requirements under this section.

3 (c) INFORMATION REQUIRED IN REGISTRATION.—

4 (1) PROVIDED BY THE ARSONIST.—A criminal
5 arsonist shall provide the following information to
6 the appropriate official for inclusion in the arsonist
7 registry of a jurisdiction in which such arsonist is
8 required to register:

9 (A) The name of the arsonist (including
10 any alias used by the arsonist).

11 (B) The Social Security number of the ar-
12 sonist.

13 (C) The address of each residence at which
14 the arsonist resides or will reside.

15 (D) The name and address of any place
16 where the arsonist is an employee or will be an
17 employee.

18 (E) The name and address of any place
19 where the arsonist is a student or will be a stu-
20 dent.

21 (F) The license plate number and a de-
22 scription of any vehicle owned or operated by
23 the arsonist.

24 (G) Any other information required by the
25 Attorney General.

1 (2) PROVIDED BY THE JURISDICTION.—The ju-
2 risdiction in which a criminal arsonist registers shall
3 ensure that the following information is included in
4 the registry for such arsonist:

5 (A) A physical description of the arsonist.

6 (B) The text of the provision of law defin-
7 ing the criminal offense for which the arsonist
8 is registered.

9 (C) The criminal history of the arsonist,
10 including the date of all arrests and convictions;
11 the status of parole, probation, or supervised
12 release; registration status; and the existence of
13 any outstanding arrest warrants for the arson-
14 ist.

15 (D) A current photograph of the arsonist.

16 (E) A set of fingerprints and palm prints
17 of the arsonist.

18 (F) A photocopy of a valid driver's license
19 or identification card issued to the arsonist by
20 a jurisdiction.

21 (G) Any other information required by the
22 Attorney General.

23 (d) DURATION OF REGISTRATION REQUIREMENT.—
24 A criminal arsonist shall keep the registration information
25 provided under subsection (c) current for the full registra-

tion period (excluding any time the arsonist is in custody or civilly committed). For purposes of this subsection, the full registration period—

(1) shall commence on the later of the date on which the arsonist is convicted of an offense of arson in violation of the laws of the jurisdiction in which the offense was committed or the United States, the date on which the arsonist is released from prison for such conviction, or the date on which such arsonist is placed on parole, supervised release, or probation for such conviction; and

(2) shall be—

(A) five years for an arsonist who has been convicted of such an offense for the first time;

(B) ten years for an arsonist who has been convicted of such an offense for the second time; and

(C) for the life of the arsonist for an arsonist who has been convicted of such an offense more than twice.

(e) ANNUAL VERIFICATION.—Not less than once in each calendar year during the full registration period, a criminal arsonist required to register under this section shall—

1 (1) appear in person at not less than one juris-
2 diction in which such arsonist is required to register;

3 (2) allow such jurisdiction to take a current
4 photograph of the arsonist; and

5 (3) while present at such jurisdiction, verify the
6 information in each registry in which that arsonist
7 is required to be registered.

8 (f) DUTY TO NOTIFY CRIMINAL ARSONISTS OF REG-
9 ISTRATION REQUIREMENTS AND TO REGISTER.—

10 (1) IN GENERAL.—An appropriate official shall,
11 shortly before release of a criminal arsonist from
12 custody, or, if the arsonist is not in custody, imme-
13 diately after the sentencing of the arsonist for the
14 offense giving rise to the duty to register—

15 (A) inform the arsonist of the duties of the
16 arsonist under this section and explain those
17 duties;

18 (B) require the arsonist to read and sign
19 a form stating that the duty to register has
20 been explained and that the arsonist under-
21 stands the registration requirement; and

22 (C) ensure that the arsonist is registered.

23 (2) NOTIFICATION OF CRIMINAL ARSONISTS
24 WHO CANNOT COMPLY WITH PARAGRAPH (1).—The
25 Attorney General shall prescribe rules for the notifi-

1 cation of criminal arsonists who cannot be notified
2 and registered in accordance with paragraph (1).

3 (g) ACCESS TO CRIMINAL ARSONIST INFORMATION
4 THROUGH THE INTERNET.—

5 (1) IN GENERAL.—Except as provided in this
6 subsection, each jurisdiction shall make available on
7 the Internet, in a manner that is readily accessible
8 to all jurisdictions, law enforcement officers, and fire
9 safety officers, all information about each criminal
10 arsonist in the registry. The jurisdiction shall also
11 include in the design of its Internet site all field
12 search capabilities needed for full participation in
13 the National criminal arsonist Internet site estab-
14 lished under subsection (i) and shall participate in
15 that Internet site as provided by the Attorney Gen-
16 eral.

17 (2) OPTIONAL EXEMPTIONS.—A jurisdiction
18 may exempt from disclosure, with respect to infor-
19 mation about a criminal arsonist—

20 (A) any information about the arsonist in-
21 volving conviction for an offense other than the
22 offense or offenses for which the arsonist is reg-
23 istered;

24 (B) the name of an employer of the arson-
25 ist;

1 (C) the name of an educational institution
2 where the arsonist is a student;

3 (D) any information about the arsonist if
4 the arsonist is participating in a witness protec-
5 tion program and the release of such informa-
6 tion could jeopardize the safety of the arsonist
7 or any other individual; and

8 (E) any other information identified as an
9 optional exemption from disclosure by the At-
10 torney General.

11 (3) LINKS.—An Internet site established by a
12 jurisdiction pursuant to paragraph (1) shall include,
13 to the extent practicable, links to substance abuse
14 education resources.

15 (4) CORRECTION OF ERRORS.—An Internet site
16 established by a jurisdiction pursuant to paragraph
17 (1) shall include instructions on how to seek correc-
18 tion of information that an individual contends is er-
19 roneous.

20 (5) WARNING.—An Internet site established by
21 a jurisdiction pursuant to paragraph (1) shall in-
22 clude a warning that information on the site should
23 not be used to unlawfully injure, harass, or commit
24 a crime against any individual named in the registry
25 or residing or working at any reported address. The

1 warning shall note that any such action could result
2 in civil or criminal penalties.

3 (h) NATIONAL CRIMINAL ARSONIST REGISTRY.—

4 (1) IN GENERAL.—The Attorney General shall
5 maintain a national database at the Federal Bureau
6 of Investigation for each criminal arsonist and any
7 other person required to register in a jurisdiction's
8 arsonist registry under subsection (a). The database
9 shall be known as the National Arsonist Registry.

10 (2) ELECTRONIC FORWARDING.—The Attorney
11 General shall ensure (through the National Arsonist
12 Registry or otherwise) that updated information
13 about a criminal arsonist is immediately transmitted
14 by electronic forwarding to all relevant jurisdictions.

15 (i) NATIONAL ARSONIST INTERNET SITE.—The At-
16 torney General shall establish and maintain a national ar-
17 sonist Internet site. The Internet site shall include rel-
18 evant information for each criminal arsonist and other
19 person listed on a jurisdiction's Internet site under sub-
20 section (g). The Internet site shall allow law enforcement
21 officers and fire safety officers to obtain relevant informa-
22 tion for each such arsonist by a single query for any given
23 zip code or geographical radius set by the user in a form
24 and with such limitations as may be established by the

1 Attorney General and shall have such other field search
2 capabilities as the Attorney General may provide.

3 (j) NOTIFICATION PROCEDURES.—Under an arsonist
4 registration program established by a jurisdiction pursu-
5 ant to subsection (a), immediately after a criminal arson-
6 ist registers or updates a registration, an appropriate offi-
7 cial in the jurisdiction shall provide the information in the
8 registry (other than information exempted from disclosure
9 by the Attorney General) about that offender to the fol-
10 lowing:

11 (1) The Attorney General, who shall include
12 that information in the National Arsonist Registry
13 or other appropriate databases.

14 (2) Appropriate law enforcement agencies (in-
15 cluding probation agencies, if appropriate), and each
16 school and public housing agency, in each area in
17 which the offender resides, is an employee, or is a
18 student.

19 (3) Each jurisdiction where the offender re-
20 sides, is an employee, or is a student, and each juris-
21 diction from or to which a change of residence, em-
22 ployment, or student status occurs.

23 (4) Any organization, company, or individual
24 who requests such notification pursuant to proce-
25 dures established by the jurisdiction.

1 (k) ACTIONS TO BE TAKEN WHEN CRIMINAL ARSON-
2 IST FAILS TO COMPLY.—Under an arsonist registration
3 program established by a jurisdiction pursuant to sub-
4 section (a), an appropriate official of the jurisdiction shall
5 notify the Attorney General and appropriate law enforce-
6 ment agencies of any failure by a criminal arsonist to com-
7 ply with the requirements of the arsonist registry for such
8 jurisdiction, and shall revise the registry to reflect the na-
9 ture of such failure. The appropriate official, the Attorney
10 General, and each such law enforcement agency shall take
11 any appropriate action to ensure compliance.

12 (l) DEVELOPMENT AND AVAILABILITY OF REGISTRY
13 MANAGEMENT AND WEBSITE SOFTWARE.—

14 (1) DUTY TO DEVELOP AND SUPPORT.—The
15 Attorney General shall, in consultation with the ju-
16 risdictions, develop and support software to enable
17 jurisdictions to establish and operate uniform arson-
18 ist registries and Internet sites.

19 (2) CRITERIA.—The software described in para-
20 graph (1) should facilitate—

21 (A) immediate exchange of information
22 among jurisdictions;

23 (B) access over the Internet to appropriate
24 information, including the number of registered

1 criminal arsonists in each jurisdiction on a cur-
2 rent basis;

3 (C) full compliance with the requirements
4 of this section; and

5 (D) communication of information as re-
6 quired under subsection (j).

7 (3) DEADLINE.—The Attorney General shall
8 make the first complete edition of this software
9 available to jurisdictions not later than two years
10 after the date of the enactment of this Act.

11 (m) PERIOD FOR IMPLEMENTATION BY JURISDIC-
12 TIONS.—

13 (1) DEADLINE.—To be in compliance with this
14 section, a jurisdiction shall implement this section
15 before the later of—

16 (A) three years after the date of the enact-
17 ment of this Act; or

18 (B) one year after the date on which the
19 software described in subsection (l) is made
20 available to such jurisdiction.

21 (2) EXTENSIONS.—The Attorney General may
22 authorize not more than two one-year extensions of
23 the deadline under paragraph (1).

24 (n) FAILURE OF JURISDICTION TO COMPLY.—

1 (1) IN GENERAL.—For any fiscal year after the
2 deadline described in subsection (m), a jurisdiction
3 that fails, as determined by the Attorney General, to
4 substantially implement this section shall not receive
5 10 percent of the funds that would otherwise be allo-
6 cated for that fiscal year to the jurisdiction under
7 subpart 1 of part E of title I of the Omnibus Crime
8 Control and Safe Streets Act of 1968 (42 U.S.C.
9 3750 et seq.).

10 (2) STATE CONSTITUTIONALITY.—

11 (A) IN GENERAL.—When evaluating
12 whether a jurisdiction has substantially imple-
13 mented this section, the Attorney General shall
14 consider whether the jurisdiction is unable to
15 substantially implement this section because of
16 a demonstrated inability to implement certain
17 provisions that would place the jurisdiction in
18 violation of its constitution, as determined by a
19 ruling of the jurisdiction’s highest court.

20 (B) EFFORTS.—If the circumstances arise
21 under subparagraph (A), then the Attorney
22 General and the jurisdiction involved shall make
23 good faith efforts to accomplish substantial im-
24 plementation of this section and to reconcile
25 any conflicts between this section and the juris-

1 diction's constitution. In considering whether
2 compliance with the requirements of this section
3 would likely violate the jurisdiction's constitu-
4 tion or an interpretation thereof by the jurisdic-
5 tion's highest court, the Attorney General shall
6 consult with the chief executive and chief legal
7 officer of the jurisdiction concerning the juris-
8 diction's interpretation of the jurisdiction's con-
9 stitution and rulings thereon by the jurisdic-
10 tion's highest court.

11 (C) ALTERNATIVE PROCEDURES.—If a ju-
12 risdiction is unable to substantially implement
13 this section because of a limitation imposed by
14 the jurisdiction's constitution, the Attorney
15 General may determine that the jurisdiction is
16 in compliance with this section if the jurisdic-
17 tion has made, or is in the process of imple-
18 menting, reasonable alternative procedures or
19 accommodations, which are consistent with the
20 purposes of this section.

21 (D) FUNDING REDUCTION.—If a jurisdic-
22 tion determined to be in compliance under sub-
23 paragraph (C) does not comply with the alter-
24 native procedures or accommodations described
25 in such subparagraph, then the jurisdiction

1 shall be subject to a funding reduction as speci-
2 fied in paragraph (1).

3 (3) REALLOCATION.—Amounts not allocated
4 under a program referred to in this subsection to a
5 jurisdiction for failure to substantially implement
6 this section shall be reallocated under that program
7 to jurisdictions that have not failed to substantially
8 implement this section or may be reallocated to a ju-
9 risdiction from which they were withheld to be used
10 solely for the purpose of implementing this section.

11 (4) RULE OF CONSTRUCTION.—The provisions
12 of this section that are cast as directions to jurisdic-
13 tions or their officials constitute, in relation to
14 States, only conditions required to avoid the reduc-
15 tion of Federal funding under this subsection.

16 (o) ELECTION BY INDIAN TRIBES.—

17 (1) ELECTION.—

18 (A) IN GENERAL.—A federally recognized
19 Indian tribe may, by resolution or other enact-
20 ment of the tribal council or comparable gov-
21 ernmental body, elect to carry out this subtitle
22 as a jurisdiction subject to its provisions

23 (B) IMPLEMENTATION.—If a tribe does
24 not, within one year of enactment of this Act,
25 make an election to take on these duties, it

1 shall, by resolution or other enactment of the
2 tribal council or comparable governmental body,
3 enter into a cooperative agreement to arrange
4 for a jurisdiction to carry out any function of
5 the tribe under this Act until such time as the
6 tribe elects to carry out this Act.

7 (2) COOPERATION BETWEEN TRIBAL AUTHORI-
8 TIES AND OTHER JURISDICTIONS.—

9 (A) NONDUPLICATION.—A tribe subject to
10 this subtitle is not required to duplicate func-
11 tions under this subtitle which are fully carried
12 out by another jurisdiction or jurisdictions with-
13 in which the territory of the tribe is located.

14 (B) COOPERATIVE AGREEMENTS.—A tribe
15 may, through cooperative agreements with such
16 a jurisdiction or jurisdictions—

17 (i) arrange for the tribe to carry out
18 any function of such a jurisdiction under
19 this subtitle with respect to arsonists sub-
20 ject to the tribe's jurisdiction; and

21 (ii) arrange for such a jurisdiction to
22 carry out any function of the tribe under
23 this subtitle with respect to arsonists sub-
24 ject to the tribe's jurisdiction.

1 (3) LAW ENFORCEMENT AUTHORITY IN INDIAN
2 COUNTRY.—Enforcement of this Act in Indian coun-
3 try, as defined in section 1151 of title 18, United
4 States Code, shall be carried out by Federal, Tribal,
5 and State governments under existing jurisdictional
6 authorities.

7 (p) IMMUNITY FOR GOOD FAITH CONDUCT.—The
8 Federal Government, jurisdictions, political subdivisions of
9 jurisdictions, and their agencies, officers, employees, and
10 agents shall be immune from liability for good faith con-
11 duct under this section.

12 (q) AUTHORIZATION OF APPROPRIATIONS.—In addi-
13 tion to any amounts otherwise authorized to be appro-
14 priated, there are authorized to be appropriated to the At-
15 torney General, to carry out subsections (h) and (i) of this
16 section, such sums as may be necessary for each of the
17 fiscal years 2008 through 2013.

18 **SEC. 3. CRIMINAL ARSONIST MANAGEMENT ASSISTANCE**
19 **PROGRAM.**

20 (a) IN GENERAL.—The Attorney General shall estab-
21 lish and implement a Criminal Arsonist Management As-
22 sistance program (in this section referred to as the “As-
23 sistance Program”), under which the Attorney General
24 may award a grant to a jurisdiction to offset the costs
25 of implementing section 2.

1 (b) APPLICATION.—The chief executive of a jurisdic-
2 tion desiring a grant under this section shall, on an annual
3 basis, submit to the Attorney General an application in
4 such form and containing such information as the Attor-
5 ney General may require.

6 (c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—
7 A jurisdiction that, as determined by the Attorney Gen-
8 eral, has substantially implemented section 2 not later
9 than two years after the date of the enactment of this Act
10 is eligible for a bonus payment. The Attorney General may
11 make such a payment under the Assistance Program for
12 the first fiscal year beginning after that determination.
13 The amount of the bonus payment shall be as follows:

14 (1) In the case of a determination that the ju-
15 risdiction has substantially implemented such section
16 by a date that is not later than the date that is one
17 year after the date of the enactment of this Act, 10
18 percent of the total received by the jurisdiction
19 under the Assistance Program for the preceding fis-
20 cal year.

21 (2) In the case of a determination that the ju-
22 risdiction has substantially implemented such section
23 by a date that is later than one year after the date
24 of the enactment of this Act, but not later than the

1 date that is two years after such date of enactment,
2 5 percent of such total.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
4 tion to any amounts otherwise authorized to be appro-
5 priated, there are authorized to be appropriated to the At-
6 torney General, to be available only for the Assistance Pro-
7 gram, such sums as may be necessary for each of the fiscal
8 years 2008 through 2013.

9 **SEC. 4. DEFINITIONS.**

10 For purposes of this Act:

11 (1) CRIMINAL ARSONIST.—The term “criminal
12 arsonist” means an individual who is convicted of
13 any criminal offense for committing arson in viola-
14 tion of the laws of the jurisdiction in which such of-
15 fense was committed or the United States.

16 (2) ARSONIST REGISTRY.—The term “arsonist
17 registry” means a registry of criminal arsonists, and
18 a notification program, maintained by a jurisdiction.

19 (3) CRIMINAL OFFENSE.—The term “criminal
20 offense” means a State, local, tribal, foreign, or mili-
21 tary offense (to the extent specified by the Secretary
22 of Defense under section 115(a)(8)(C)(i) of Public
23 Law 105–119 (10 U.S.C. 951 note)) or other crimi-
24 nal offense.

1 (4) EMPLOYEE.—The term “employee” includes
2 an individual who is self-employed or works for any
3 other entity, whether compensated or not.

4 (5) FIRE SAFETY OFFICER.—The term “fire
5 safety officer” means—

6 (A) a firefighter, as such term is defined in
7 section 1204 of the Omnibus Crime Control and
8 Safe Street Act of 1968 (42 U.S.C. 3796b)); or

9 (B) an individual serving in an official ca-
10 pacity as a firefighter, fire investigator, or other
11 arson investigator, as defined by the jurisdiction
12 for the purposes of this Act.

13 (6) JURISDICTION.—The term “jurisdiction”
14 means any of the following:

15 (A) A State.

16 (B) The District of Columbia.

17 (C) The Commonwealth of Puerto Rico.

18 (D) Guam.

19 (E) American Samoa.

20 (F) The Northern Mariana Islands.

21 (G) The United States Virgin Islands.

22 (H) To the extent provided and subject to
23 the requirements of section 2(o), a Federally
24 recognized Indian tribe.

1 (7) LAW ENFORCEMENT OFFICER.—The term
2 “law enforcement officer” has the meaning given
3 such term in section 1204 of the Omnibus Crime
4 Control and Safe Street Act of 1968 (42 U.S.C.
5 3796b)).

6 (8) RESIDES.— The term “resides” means,
7 with respect to an individual, the location of the in-
8 dividual’s home or other place where the individual
9 habitually lives.

10 (9) STUDENT.—The term “student” means an
11 individual who enrolls in or attends an educational
12 institution (whether public or private), including a
13 secondary school, trade or professional school, and
14 institution of higher education.